



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUL 27 2006

The Honorable Billy K. Cannaday
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218



Dear Superintendent Cannaday:

I am writing in response to Virginia's request to amend its State accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). Following our discussions with your staff, the changes that are aligned with NCLB are now included in an amended State accountability plan that Virginia submitted to the Department on July 25, 2006. A summary of the approved amendments is attached to this letter. I am pleased to fully approve Virginia's amended plan, which we will post on the Department's website.

As you know, if Virginia makes changes to the accountability plan that has been approved, Virginia must submit information about those changes to the Department for review and approval, as required by section 1111(f)(2) of Title I. Please note that approval of Virginia's accountability plan is not also an approval of Virginia's standards and assessment system.

Please also be aware that approval of Virginia's accountability plan for Title I, including the amendments approved above, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that Virginia will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement the standards, assessments and accountability provisions of NCLB, please do not hesitate to contact Abigail Potts (abigail.potts@ed.gov) or David Harmon (david.harmon@ed.gov) of my staff.

Sincerely,


Henry L. Johnson

Enclosure

cc: Governor Tim Kaine

ATTACHMENT: Amendments to the Virginia Accountability Plan

This attachment is a summary of the State's approved amendments. For complete details, please refer to the Virginia accountability plan on the Department's website:

www.ed.gov/admins/lead/account/stateplans03/index.html.

Uniform Averaging (Element 3.2)

Revision: Virginia will calculate adequate yearly progress (AYP) based on data from all assessments administered in grades 3-8 in reading and mathematics in 2005-06. Virginia will compare this calculation to an average of assessment data from the current school year and the immediately preceding school year using only the results from the grade-span assessments administered in both 2004-05 and 2005-06. Virginia will report data resulting from all grades 3-8 assessments on the State, district, and school report cards.

Scores on Re-test for High School End-of-Course Assessments (Element 3.2)

Revision: Virginia will include a student's proficient score on the re-test of the high school end-of-course assessments in the calculation of AYP up to Grade 12. The end-of-course assessments include English: Reading, Algebra I, Geometry, and Algebra II in high school.

Including students with disabilities in AYP (Element 5.3)

Revision: Virginia will use the "proxy method" (Option 1 in the Department's guidance dated May 7, 2005) to take advantage of the interim flexibility regarding determining AYP for the students with disabilities subgroup. Virginia will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For the 2005-06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that does not make AYP solely due to its students with disabilities subgroup, Virginia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005-06 school year.